

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NIKKI POOSHS,
Plaintiff,

v.

PHILIP MORRIS, USA, INC., et al.,
Defendants.

Case No. 04-cv-01221-PJH

EIGHTH FINAL PRETRIAL ORDER

As the parties were previously advised, the court does not entertain speaking objections at trial. See, e.g., March 27, 2014 Pretrial Conference, Transcript (Doc. 378) at 32-39. In the upcoming trial of this matter, when making an objection, counsel shall stand, state the objection, and cite either the appropriate Federal Rule of Evidence or the controlling prior evidentiary ruling by the court.

A list summarizing the court's pretrial rulings is attached to this order as Appendix A, and is being provided to the parties as a tool to assist them in understanding the rulings that will be made at trial. The time used for making objections at trial will be deducted from the objecting party's total trial time.

The court has reviewed the individually submitted verdict forms, and has selected defendants' special verdict (Doc. 428-1) as it tracks the exact language of the approved instructions on the three remaining claims (Doc. 424-1, Instruction Nos. 23, 24, 27).

The parties still have not submitted an instruction that explains that failure to warn may be shown in one of two ways – strict liability or negligence. The parties shall review

1 the Fourth Final Pretrial Order (Doc. 364 at 3:24-28), and submit such an instruction on
2 January 11, 2016.

3
4 **IT IS SO ORDERED.**

5 Dated: January 4, 2016

A handwritten signature in black ink, appearing to read 'Phyllis J. Hamilton', written over a horizontal line.

PHYLLIS J. HAMILTON
United States District Judge